

*Stow, OH Res Ordinance Not Passed
by Council.*

ORDINANCE NO. 1994-77

REQUESTED BY ORRIS
APPROVED BY PUB. IMP.
INTRODUCED BY ORRIS

AN ORDINANCE GOVERNING THE PROCEDURES AND STANDARDS FOR THE REGULATION OF CABLE TELEVISION RATES PURSUANT TO THE RULES OF THE FEDERAL COMMUNICATIONS COMMISSION AND THE CABLE TELEVISION CONSUMER PROTECTION AND COMPETITION ACT OF 1992, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance 1971-83, the City of Stow, Ohio ("City") granted a nonexclusive franchise to Akron Telerama, Inc., giving it the right to construct, own and operate a cable television system in the City; and

WHEREAS, Time Warner Entertainment Company, L.P., ("Warner") is currently the sole cable television operator doing business in the City as reflected in Ordinance 1992-4; and

WHEREAS, the Cable Television Consumer Protection and Competition Act of 1992 ("1992 Cable Act") was enacted on October 5, 1992 and became effective on December 4, 1992. The 1992 Cable Act amends the Cable Communications Policy Act of 1984 and, in particular, Section 623 (47 U.S.C. 543) governing the regulation of rates charged by cable television operators; and

WHEREAS, on April 1, 1993, the Federal Communications Commission ("FCC") adopted rate regulations pursuant to the 1992 Cable Act. These FCC rate regulations were released May 3, 1993 and became effective September 1, 1993; and

WHEREAS, pursuant to 47 C.F.R. Part 76.900, Subpart N., Section 76.910, on the _____ day of _____, 1993, the City filed FCC Form 328 -- Certification for Local Franchising Authorities -- with the FCC. A copy of FCC Form 328 was also served on Warner on November _____, 1993; and

WHEREAS, this Ordinance will govern the procedures to be undertaken by the City for the regulation of Warner's cable television rates pursuant to the 1992 Cable Act and the regulations of the FCC.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL FOR THE CITY OF STOW, COUNTY OF SUMMIT, STATE OF OHIO THAT:

SECTION 1. That all rates and charges for basic cable service and any other cable programming services, as defined by the 1992 Cable Act and applicable FCC regulations, shall, to the extent permissible, be subject to regulation by the City in a manner provided by this Ordinance. This Ordinance shall apply to all cable television system operators in the City. Warner and/or any other operator of a cable television system operating in the City shall be subject to the rate regulation provisions provided for herein, and those of the FCC at 47 C.F.R., Part 76.900, Subpart N.

The City reserves the right to amend this Ordinance from time to time consistent with the requirements of the FCC, and state and federal law.

SECTION 2.

- A. That the City hereby adopts and shall follow the rules relating to cable rate regulation promulgated by the FCC at 47 C.F.R., Part 76.900, Subpart N. Prior to approving or disapproving any rates, the City shall provide an opportunity for consideration of the views of interested parties.

- B. All costs for the review of initial rates or rate changes shall be paid by the cable operator upon demand of the City, unless contrary to applicable rules of the FCC governing these procedures or unless otherwise specifically preempted by state or federal law. The costs shall include, but not be limited to, rate consultants, attorney's fees and the reasonable value of the services (as determined by the City) rendered by the City or any City employees, agents or representatives of the City.

SECTION 4. That the requirements described in this Ordinance are applicable to Warner and all operators of cable television systems within the City subject to rate regulation according to the 1992 Cable Act and applicable FCC rules.

SECTION 5. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 6. This Ordinance was adopted pursuant to Section 4.11, Charter, and is hereby declared to be an emergency measure necessary for the immediate preservation of the public health and safety for the reason that it is necessary in order to protect the City's cable television subscribers from rates which may exceed prescribed limits, and, pursuant to Section 4.13, Charter, shall take effect upon its adoption by Council and approval by the Mayor, otherwise at the earliest period allowed by law.

ADOPTED BY COUNCIL _____

ATTEST _____

Bonnie J. Emahiser
CLERK OF COUNCIL

Karen Fritschel
PRESIDENT OF COUNCIL

FILED WITH MAYOR _____

APPROVED _____
Donald J. Coughlin
MAYOR

FILED WITH CLERK _____

APPROVED AS TO FORM

EFFECTIVE DATE _____


James A. Merlitti
LAW DIRECTOR

DOCKET FILE COPY ORIGINAL

Warner Cable's upgrade no benefit for viewers

I am writing to protest the increase that Warner Cable of Akron is forcing on the people of Akron and the way it is being done.

Several years ago, I had to have an ugly computer box because my TV wasn't equipped to handle all the channels. Then I invested more than \$1,200 on a cable-ready TV and remote that could handle more than 99 channels, and I'm receiving all these channels without renting the box and remote.

After talking to one of Warner Cable's representatives, I was told that if I didn't accept its new system of upgrading along with the box and remote, I would lose everything but channels 1 through 14, which is exactly what I received with a regular antenna.

Last year, I had a new roof installed. Since I had no use for the antenna and wiring, I had them removed. What I can't understand is, if I can receive basic cable without renting a box and remote, and since this is supposed to be an upgrading, why are we going backward?

The only upgrading I can see in this entire situation is in Warner's wallet.

WILLY EVANCHEK
Akron

"Voice of the People" Section
Akron Beacon Journal
2-17-94

Time Warner begins hike to 64 channels

Time Warner Cable of Akron began installing equipment in its subscribers' homes that permits an expansion to 64 channels. It will be 12 months before all of Time Warner's customers get the upgrade.

The current upgrading area is bounded roughly on the north by Howe Avenue, on the east by Britain Road, on the south by North Street and on the west by Main Street. Akron subscribers will get the new equipment before installations begin in suburban homes. Time Warner is notifying subscribers when they are nearing the upgrade.

Both the new and old lineups are listed in the cable chart on the inside back cover of Channels.

For those subscribers without a cable box now who get everything except the premium channels, such as Home Box Office, the cost will increase \$4.55 a month, including 95 cents for the 11 added channels. The other charges are \$3.45 for the computer box rental, which is required to get the cable channels, and 15 cents for a remote control.

STOW

Parker changes vote on cable resolution

The Stow City Council met twice Thursday night.

The council had adjourned after approving a resolution to send to the Federal Communications Commission protesting unreasonable rates for expanded cable television service.

It then was discovered that the council needed six favorable votes on the resolution instead of the five it had received. The council quickly reconvened and approved the resolution again with six favorable votes.

Councilman John Parker changed his vote. He said he voted against the resolution initially because he did not believe the rates were unreasonable. He then voted for it so the resolution could be sent to the FCC.

The council, during the first session, granted a conditional zoning certificate and site plan for a Wendy's restaurant next to the Darrow Road entrance of the Towne Center shopping plaza.

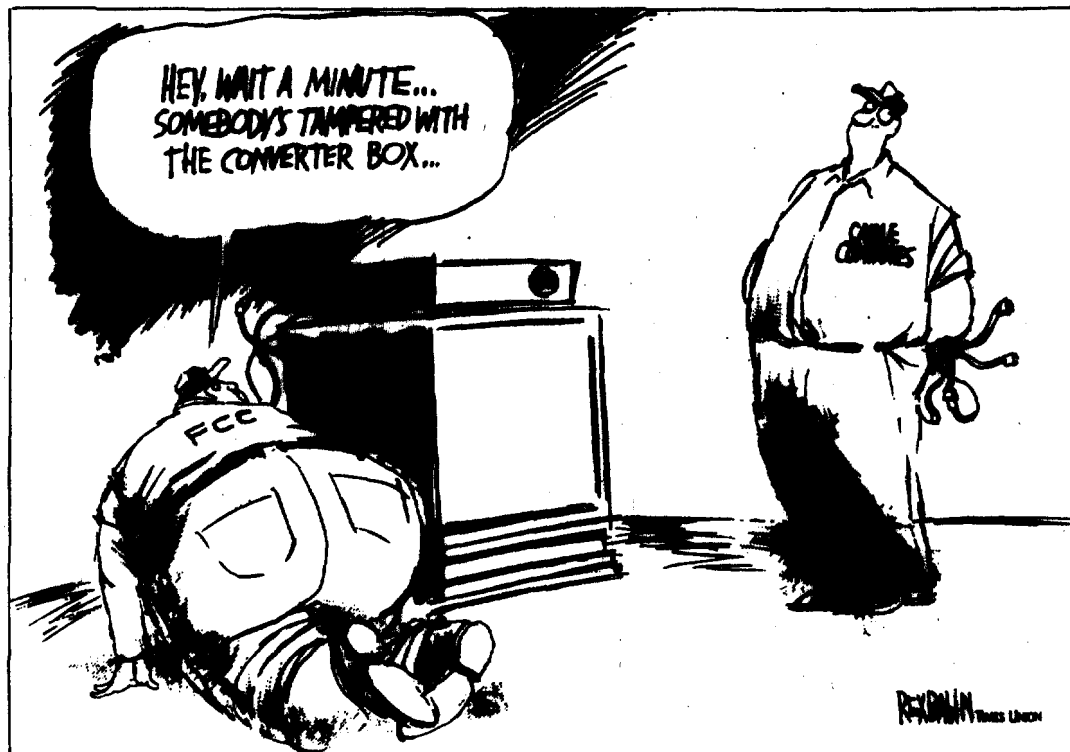
— DOLORES CLAY

The Beacon Journal

Saturday, March 5, 1994, Page A15

AKRON BEACON JOURNAL

Founded April 15, 1839



BABEN/Times Union

Akron Beacon Journal - 2-25-94

Warner's cable upgrade schedule

Time Warner of Akron's cable system must go into each of more than 100,000 homes to install Warner's home terminal that will make its expansion to 64 channels possible. Without the new computer box, you cannot get the cable channels, only the broadcast channels, such as WKYC (Channel 3).

Time Warner will notify its subscribers when the cable system is about to come into an area.

Subscribers in homes that have been expanded to 64 channels should use the channel numbers for the Warner/Akron (new) column, the first cable system column listed in the Cable Channels chart on page 63.

Subscribers in homes that have not had the new cable computer box installed should use Warner/Akron (old), the second column in the Cable Channels chart.

A breakdown of the areas that Time Warner plans to upgrade, including approximate street boundaries and tentative starting months:

FEBRUARY

Howe Avenue, North Street, Brittain Road and Main Street.

North Street, Interstate 76, state Route 59 and Brittain Road.

MARCH

Exchange Street, Steiner Avenue, state Route 59 and state Route 8.

Akron-Peninsula Road, Exchange Street, Portage Path and downtown Akron.

Wadsworth, city and township.

APRIL

Cuyahoga Falls Avenue, Cuyahoga River, Furnace Street and Main Street.

Steiner Avenue, U.S. 224, South Main Street and Interstate 77.

MAY

Interstate 76, U.S. 224, Interstate 77 and Hilbish Avenue.

Wooster Avenue, East Avenue and Manchester Road. West Market Street, Frank Boulevard, Greenwood Avenue and Wooster Avenue.

JUNE

Exchange Street, Opportunity Parkway, Wooster Avenue and Greenwood Avenue.

Frank Boulevard and Hawkins Avenue.

Hawkins Avenue, West Market Street and North Portage Path.

Kennore Boulevard, Manchester Road, Bartges Street and Firestone Parkway.

JULY

Interstate 76, Brittain Road and Eastwood Avenue.

North Hawkins Avenue, Sand Run Parkway and Fairlawn.

Interstate 76, Seiberling Street and Triplett Boulevard.

SEPTEMBER

Fairlawn.

OCTOBER

Cuyahoga Falls A.

NOVEMBER

Cuyahoga Falls B, Munroe Falls, Silver Lake, Stow A.

DECEMBER

Barberton, Stow B and Tallmadge.

JANUARY 1995

Coventry Township, Doylestown, Norton, Lakemore, Mogadore and Springfield Township.

Warner has viewers by the new converter box

Not long ago, a cable-ready VCR could replace the converter box. Then, about five years ago, a converter box suddenly became necessary to receive premium channels. Never mind that the cable company could still turn premium channels on and off remotely at the switchboard; we were forced into getting boxes.

And the boxes, naturally, were installed next to the set and, of course, pre-empted channel switching. So, customers either had to get up to switch channels or rent a remote for \$60 a year.

Well, now we have the new-and-improved converter boxes. And guess what? Almost everyone must now have a converter box — even to get previously standard services such as USA, TNT, WTBS and Nickelodeon.

But Warner Cable has gotten smart. In addition to paying extra for the same services, we must now rent the converter box. The remote is also available for 15 cents a month, but by forcing us to rent the converter box instead of the remote, Warner can gouge everyone.

With today's technology, there is no reason these services cannot be programmed remotely at the cable company's switchboard. But that prevents Warner from billing us for an additional \$3.60 per month, a tidy sum when multiplied by thousands of customers.

I understand the courts have already refused to allow cable companies to charge for additional cable outlets installed by the customer. But Warner will require a box be attached to each TV set, thereby allowing it to get around those court decisions. Ultimately, the public will just have to go back to court to have converter boxes forced onto the public market as telephone equipment was.

And I won't even mention the electronic surveillance capabilities Warner now has to keep the tabs on our entertainment preferences.

I urge Warner Cable customers not to let the company get away with it. They should write to this paper, to Warner Cable and to their representatives about these abusive, monopolistic practices.

STEVEN B. VANSLYCK
Akron

An upgrade for us?

Regarding Warner Cable's so-called upgrade: As one of the first group to get the upgraded service, I was disappointed to find that when cable channels 15 and up are compressed, I will no longer be able to watch one program while taping another, as I often do.

To receive any of the channels from 15, a converter will be required. This converter will only forward one channel as selected on its remote control to the TV and/or video cassette recorder, both of which will be permanently set to Channel 2. The extra money you spent for cable-ready TV or VCR will be wasted.

Further, you will be charged \$3.60 each month for the converter with remote control. All this will allow you to get many more services, almost all of which will result in fees to Warner. The deal is good for Warner, but of little value to most of us. If you want CNN you have no choice.

DONALD C. GLASSFORD
Akron

Akron Beacon Journal
"Voice of the People"
ca. 3-1-94

AKRON BEACON JOURNAL 3-2-94

LOCAL

• The Region, Page 3 • Deaths, Pages 5, 6
• TV, Page 13 • Comics, Pages 14, 15

Canton school fumbled badly with its recent Black History Month program. Page D3.

Bob Dyer
Not all exotic dancers are the same: just ask Bob Dyer. Page D3.



- Sales: \$900,000
- Tuesday's Pick 3 numbers: 764
- Pick 3 wagers: \$306,092.50
- Pick 3 payout: \$854,612.50
- Tuesday's Pick 4 numbers: 1860
- Pick 4 wagers: \$306,092.50
- Pick 4 payout: \$304,900
- Monday's Buckeye 5 numbers 6, 15, 27, 28, 27; no \$100,000 winners
- Tonight's Super Lotto jackpot: \$8 million

\$3.60 cable charge fires up residents

• Wadsworth residents say Warner wants them to pay for service they don't need or want. Other Northeast Ohio customers soon will be charged the same amount

BY JAMIE MOORE
AND WILLIAM CANTERBURY
Times Journal Staff Writers

Some Warner Cable Co. customers in Wadsworth are angry about proposed changes in their cable service that will affect much of Northeast Ohio, and they have taken their complaints to city hall.

The customers are particularly upset about the part of Warner's \$45 million expansion requiring that their television be outfitted with a converter box at a rental cost of \$3.45 a month, plus 15 cents for a remote — if they want channels beyond basic service. The customers said they're

content with their current service. Why pay extra for a box they don't need, they ask.

"Rape has been legalized in Wadsworth," complained John E. Baker Jr., who says he has been stripped of freedom of choice.

Another customer, lawyer James McIlvaine, called the

changes — due in March in Wadsworth and the rest of Northeast Ohio within a year — a rip-off. He urged other customers to join him in boycotting Warner services.

City Service Director William Lyren agreed with the complaints, saying Warner is going too far.

In response to about 100 complaints, the Wadsworth City Council on Tuesday night passed a measure to delay rate changes for

inside

New Warner service offers viewers millions of choices. Page D6.

90 days.

"During that time we'll further evaluate the appropriateness of the charges," Lyren said.

Wadsworth is one of three cities within Warner's service area that

the Federal Communications Commission has given power review some cable-related rates.

The other two cities, N. and Stow, will not get the eye of service until late this year early 1995. Akron has applied and is expected to get regulatory power.

Warner officials Tuesday acknowledged that some custo-

See CABLE, Page D6

Warner has viewers by the new converter box

Not long ago, a cable-ready VCR could replace the converter box. Then, about five years ago, a converter box suddenly became necessary to receive premium channels. Never mind that the cable company could still turn premium channels on and off remotely at the switchboard; we were forced into getting boxes.

And the boxes, naturally, were installed next to the set and, of course, pre-amplified channel switching. So, customers either had to get up to switch channels or rent a remote for \$60 a year.

Well, now we have the new-and-improved converter boxes. And guess what? Almost everyone must now have a converter box — even to get previously standard services such as USA, TNT, WTSP and Nickelodeon.

But Warner Cable has gotten smart. In addition to paying extra for the same service, we must now rent the converter box. The remote is also available for 15 cents a month, but by forcing us to rent the converter box instead of the remote, Warner can gouge everyone.

With today's technology, there is no reason these services cannot be programmed remotely at the cable company's switchboard. But that prevents Warner from billing us for an additional \$3.60 per month, a big sum when multiplied by thousands of customers.

I understand the courts have already refused to allow cable companies to charge for additional cable outlets installed by the customer. But Warner will require a box be attached to each TV set, thereby allowing it to get around those court decisions. Ultimately, the public will just have to go back to court to have converter boxes forced onto the public market as telephone equipment was.

And I won't even mention the electronic surveillance capabilities Warner now has to keep the tabs on our entertainment preferences.

I urge Warner Cable customers not to let the company get away with it. They should write to this paper, to Warner Cable and to their representatives about these abusive, monopolistic practices.

STEVEN B. VANSLYCK
Akron

Warner lets you talk to your TV

• Technology also lets parents control what their children are watching

BY JAMIE MOORE
Times Journal Staff Writer

With the in-home terminals being distributed by Warner Cable Co., customers will enjoy new channel lineups and technological features that occasionally allow viewers to talk to their television sets — assuming they want to.

Late in January, Warner began installing the new terminals (or converter boxes) in several Akron neighborhoods, working from its technical hub out toward the suburbs. The entire system should be installed by February 1995.

The changes in your cable service — and bill — will depend on your service and television set. Warner is not changing the price of cable service, only the price for the new terminals.

Officials say that price is regulated by the Federal Communications Commission.

Currently, Warner's equipment charges range from 25 cents to \$2.50, depending on type.

The new terminals will cost \$3.45 a month, plus 15 cents for a remote, and the price could drop in coming years as the equipment depreciates.

If you have a cable-ready television, then you do not need a new terminal to receive basic cable service for \$3.75 a month.

If you wish to subscribe to Warner's "satellite tier" — which includes 16 channels with such cable stalwarts as CNN and, now, the Weather Channel — then you

must rent a terminal.

The satellite tier costs \$11.44 a month, in addition to basic service and equipment.

Warner officials stress that you can tailor your television selections to your own taste — there are more than 8 million channel configurations. Here's how it works:

You are not obligated, for example, to subscribe to the satellite tier. But if you would like to subscribe to Warner's Discovery Package — Discovery, American Movie Classics and WTSP — you must subscribe to basic service, have a terminal and pay \$2.51 a month for all three channels in the package, or \$1.15 for each.

Warner has added 12 new channels to its lineup beyond the satellite tier and the Discovery Package.

Called the Entertainment Package, it includes channels such as HBO and Court TV, and costs 50 cents more a month if you already subscribe to the satellite tier and the Discovery Package.

If you want the Entertainment Package on its own, then you must pay \$2.55 a month in addition to basic service. And you must have a terminal.

Also, if you would like to subscribe to any premium channels — such as HBO or Showtime — then you must have a terminal and pay charges ranging from \$11.50 to \$25.50, depending on the package you choose.

The new terminals allow viewers several types of interactive service.

For example, parents may block out adult programs by using a parental code. Or, those who want to watch cooking shows, for instance, but aren't sure what channel to flip on can consult a 12-hour on-screen guide.

Warner will notify households scheduled for the new terminals by letter and a follow-up visit.

Company officials say they have added about 60 customer-service representatives and technicians to help with the change.

Warner will be able to expand its services through its ongoing installation of fiber-optic cable.

In many places fiber-optic cable will replace older coaxial cable, the traditional way of transmitting programming.

CABLE

• Warner official says rates not discretionary

Continued from Page D1

may dislike having to pay for the converter, but say that the box will be necessary to provide a greater variety of channels and services.

Based upon the response he has received, Wadsworth's Lyren said, "There hasn't been an issue that's generated this kind of outcry in the past 25 years I've been with the city. It gets emotional."

"Our position is, if somebody is going to want to take advantage of additional channel lineups and pay-per-view programming, and they need special equipment for that, then they should pay for it."

"But people who have standard basic service, plan the next tier including channels like MTV and CNN, presently don't need anything other than a cable-ready TV, and they should be able to continue to get that without additional equipment."

A \$3.45 converter-box fee will be charged for each television in a home with more than the basic service of 16 channels in Wadsworth and 12 in Akron and envi-

ron.

If a home already has a service on one television, then some service on a second set free.

"If we find the rates are high, the company will be authorized to the customer any changes," Lyren said.

Warner Northeast Ohio div. President Stephen Fry said the fee for the converter box is established under a formula approved by FCC.

"It's not a discretionary item — any of the rates — and I imagine a city coming to a different answer," Fry said.

Bill Jones, assistant to the city mayor, said he has also asked complaints from residents about the \$3.50 rental and rate change, which he said he told the city would have no authority to regulate of basic cable service to do anything about.

Jones said the cable issue came in just after customers notified by mail of changes. I after Warner representatives he came to their homes to explain changes, "There appears to be a better understanding and some sense of what's being offered," said.

Warner representatives he not yet been in Wadsworth neighborhoods to explain these change company officials said.

Wednesday, March 2, 1994, Page

Sun Banner Pride

HOME DELIVERY AND MAIL \$2.25
EVERY 4 WEEKS STORES AND
VENDING RACKS 50

"THE ONLY NEWSPAPER IN THE WHOLE, WIDE WORLD THAT CARES ABOUT WADSWORTH AND NORTON"

Tolling in cable converter box's future

City's rate regulation committee recommends action to council; consultant likely to get a call

By CHARLES AUKERMAN
Editor

WADSWORTH — City Council was expected to act Tuesday night to toll the proposed cost of a new converter box which Warner Cable plans to install in subscriber homes later this month.

The Wadsworth Cable Television Commission rate regulation board met Feb. 23 for a conference call with Lisa Gelb, an attorney with Miller and Holbrook in Washington, D. C., who is handling legal work for the city before the Federal Communications Commission.

Meanwhile, letters and phone calls from angry residents about the box and the charge for it continue to come in to city hall, council representatives, and members of the cable commission.

A large crowd of angry subscribers was expected at Tuesday's meeting and another at the 7:30 p.m. cable commission meeting at city hall today.

Gelb, appraised of the situation, said, "Tolling these rates is really the only thing to do now. You certainly don't want to approve these rates now."

The city has three choices for proposed rate increases: it

may approve them, modify or deny them, or toll them. The latter means the city does not have enough information to make a decision at this time and staves off the rate increase for 90 days while the facts are gathered and a final decision made.

The city tolled the initial rate increase requested by Warner Cable last year, and hired a consultant, Jay Smith, to gather the information and make a recommendation.

The rate regulation committee will meet at 3:15 p.m. Friday to discuss Smith's report and decide upon a rate recommendation to council, which must act by March 15.

Gelb noted that the FCC had issued a statement on the morning of the call that it will be setting new benchmarks for cable rates that will allow up to a 17 percent rollback between the competitive and non-competitive situations. Wadsworth is considered a non-competitive system.

It was expected at the time of the Cable Regulation Act of 1992 that rates would go down by about 10 percent; instead, most cable subscribers found their rates going up, which prompted a new Congressional round of hearings and pressure on the FCC to take further action.

Warner plans to implement a new channel lineup March 29. Sometime this month, customer representatives will call on subscribers to install the new converter box on each television

connected to any level of service above the Basic Service which is now defined as the over-the-air channels plus the three local Wadsworth channels.

That box will be leased at \$3.45 per month, and a remote control for it will be available for 15 cents per month plus tax.

The new home terminal will provide an on-screen channel line-up, on-screen programming guide, volume control, favorite channel recall, increased parental control and other improvements.

In the future, Warner hopes to offer several new services including so-called "video on demand," in-home shopping, interactive programs, data services, in-home banking and more all of which will require the box.

The majority of the calls and letters received by city officials object to the box for cable-ready television sets. Other cite the cost of the box, the number of television sets they have in their home that are connected to cable, and the steady rise in cost of cable services over the past few years.

The new rules won't become effective until May 15, and no one knows what they will be, Gelb said.

"The FCC will probably set up a two-step process: set a rate based on existing benchmarks, with a provision to make adjustments May 15," Gelb said.



Build motel? No! say Norton folks

March 5, 1994

1101 Independence Ave
Apt # 0615
Akron OH 44310

Mrs Sandy Wilson
Director, Cable TV Affairs
Federal Communication Commission
2033 M St.NW
Washington DC 20054

Re: Warner Cable - Akron Ohio
Complaint

Dear Mrs Wilson,

Warner Cable - Akron has been providing the Akron metropolitan area with Basic Service at \$ 8.75 (12 local TV stations + QVC), and Satellite Tier Option (17 Channels) for \$ 11.44 per month which I believe to be reasonable.

Warner is so-called "UPGRADING" its service by scrambling all services above Basic, and requiring all customers who want Satellite Tier or higher to use a Pioneer BA-9000 Converter between the incoming cable and the VCR. For this they have the nerve to charge \$ 3.45 per month + \$ 0.15 for a remote control whose main purpose is to sell PAY PER VIEW features. I OBJECT TO THIS CHARGE. As I have two VCRs ahead of the TV I was able to tape two channels while viewing a third, but with the converter I am limited to one channel. Warners upgrade is a step backward to me at a cost of \$ 3.60 / month. At the very least THIS CHARGE SHOULD BE ELIMINATED.

Sincerely,

cc:G.Wooton

Donald C Glassford

*U.S. Sen. Glenn
U.S. Sen. Metzenbaum
U.S. Rep. Sawyer*

Wadsworth panel recommends council reduce cable TV fees

BY BEAU DUSZ

Special to the Akron Journal

WADSWORTH. The Wadsworth Cable Commission wants Warner Cable to reduce basic service rates, commission coordinator William Lyren said Friday.

After studying the rates, the commission decided to recommend to the City Council that rates be cut by \$3.70 per month and that a refund be paid retroactive to Sept. 1.

The City Council, at its March 15 meeting, is expected to discuss the rollback and officially notify Warner Cable, which will have 10 days to respond.

Warner officials could not be reached during the weekend to comment.

The city, certified as a regulator by the Federal Communications Commission, can regulate basic cable rates and equipment charges.

The \$3.70 rollback will include some cutbacks in three fees totaling \$13.50.

They include \$10.72 a month for basic cable service, \$2.15 per month for the community service fee for access channels over which subscribers get educational, government and community programs

generated from studios at the Wadsworth station, and a 50-cent-a-month franchise fee.

The \$3.70 rollback does not include Warner's proposed \$3.45 converter box fee.

A complaint was filed with the FCC concerning Warner's proposal to require a converter box for each television set, with the fee to be charged after Warner installs the boxes, reportedly sometime later this month as it phases in a \$45 million upgrade of its system throughout Northeast Ohio.

The Wadsworth City Council contends that this equipment change is within its jurisdiction and asked Warner not to collect the box fee pending further study to determine its reasonableness. Subscribers who receive channels above the basic tier will be required to have a converter box and pay the monthly charge.

Warner does have the right to appeal decisions made by city council as a cable regulator to the FCC. The city has received an overwhelming amount of opposition to the converter box charge and Mayor John Hanna said, "Everyone you meet on the street wants to talk about Warner Cable."

AKRON BEACON JOURNAL 3-7-94

- ① It is an upgrade only for the Warner Cable distribution system. It is a downgrade for subscribers as follows:
- Monthly cable costs increase 16% to over 50% - each TV & VCR needs a separate box to recover functionality.
 - New sophisticated TV's with PIP & channel scan may not function well even with box. Many auxiliary features, eg. wake up, sleep, lock-out, etc. will not work in set.

487 N. Revere Rd.
Akron, OH 44333-3907
3-5-94

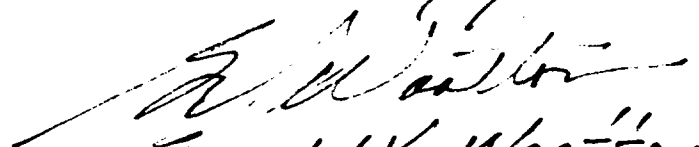
Mr. William Lyren, Director
City Services
Wadsworth, OH

Dear Mr. Lyren -

It was interesting and a real pleasure - as well as educational for me - to talk with you by phone the other day. I enclose the Warner Cable information package sent to Fairlawn City Council and Mayor for your information and any comment. It was provided by Fran Miller, 3rd Ward Councilwoman. My reply to her is also enclosed.

Further, the possibilities of meetings we discussed are now being explored. You can expect to hear more on this in the near future if you have not done so already. I truly feel sharing your understanding and experiences in the Warner Problem will be invaluable service to all of us. Thanks for your willingness to do so.

Sincerely yours


Gerald V. Wootton

P.S. - I have added a couple of responses I have received to my letters; which you may find interesting.

Akron council won't fight for lower Warner Cable rates

BY JIM QUINN
Beacon Journal staff writer

Members of the Akron City Council won't mount a legal battle to lower cable television rates, a tactic considered by Wadsworth.

"We'd get beat in court if we tried to lower rates," said Councilman Bruce Bolden, D-1.

Bolden, chairman of the council's Public Utilities Committee, said council members are being blasted by complaints from residents about higher bills from Warner Cable. But the complaints focus on problems the city has no authority to regulate, he said.

On Monday, the council voted to renew the \$8.75 monthly charge Warner Cable can assess for basic cable service.

Bolden said viewers in Akron

are angriest about a \$3.60 monthly fee for a new converter box that many residents would prefer to do without.

The box is needed to handle Warner Cable's expanded services, which can't be delivered without the box.

Officials in Wadsworth have delayed a planned rate increase and have discussed rolling back the rates, but Bolden said Akron doesn't have that much authority.

"All we can regulate is basic service," Bolden said.

Basic service provides only channels 2 through 14; no converter box is needed for this service.

The city is asking federal authorities for more regulatory power over cable television.

AKRON BEACON JOURNAL

3-8-94

- ① Each ^{TV} receiver & VCR requires a separate box to function independently as now with broad band feed. Cable costs increase dramatically - 16% to 50% and more. This is why they are angry.
- ② Only because Warner Cable has shuffled channels and scrambled them (above CH 14); neither of which is needed for expanded service. It disables cable-ready features, requiring the boxes to unscramble - New sophisticated TV's with PTP and Channel scan will not work at all in many

North Hill cable user airs troubles

Jewell
Cardwell



Don't be lulled into thinking for a minute that Wadsworth is the only locale that's giving the Warner Cable Co. a scrabbled reception these days about its much ballyhooed fiber optics upgrades — er, converter boxes.

Folks in Akron — as quiet as it's kept — aren't exactly clacking their remote controls together to shout *Hallelujah* either.

At least that's the case in Akron's North Hill, one of the city's earliest neighborhoods to get boxed, as it were.

This columnist tracked one North Hill family which — after six weeks of living with Warner Cable's new in-house terminals, or converter boxes — considers itself to be really channeled in.

I happened to get the woman of the house when I rang.

Hard to believe, but this cable subscriber managed to have more complaints about the new system than the cable company has channels.

"That doggone cable is just terrible," she railed one recent morning.

First, she was in a *Seinfeld*-like twitter about the number of boxes she was required to have installed.

"I have four TVs, which means I had to get a box for every TV," she grouched.

That means that this family of five has not only grown by four converter boxes (at \$3.45 each a month), it also has grown by four remotes (at 15 cents each a month).

So not only is it a full house, it's a very complicated operation as well.

"Yeah, what I do now is to use my remotes to turn my TVs on and off and theirs to change the channels," she chuckled.

"I just don't know why we have to have all of this stuff!"

The woman said her family has gone from paying \$22.50 a month for the cable service to almost \$40 a month for the so-called new-and-improved product.

"What am I paying all this money for when I'm not getting anything extra except for a whole lot of boxes?" the woman asked.

"Basic cable was all I wanted — all I ever wanted.

"Actually I didn't even want that."

The cable subscriber and other residents of North Hill insist the television reception in that area is so terrible that they're locked into having cable.

"We don't have any choice," the woman said matter-of-factly.

Under Warner Cable's old system, the woman said, she was able to "hook up as many TV sets as I wanted in my life for the \$22.50."

As she sees it, the only good thing about the new system is the 24-hour Cartoon Network, which her 7-year-old grandson enjoys.

The woman — who describes her household as very religious — said she is annoyed by another matter and has cabled her concern to Warner.

It has to do with Channel 63 — or the Playboy programming.

For some as yet unexplained reason, the woman said, 63 mysteriously invites itself into her home along about midnight.

"It comes on for two hours," the woman lamented, not missing a beat.

NO, she didn't order it.

And, NO, she wasn't being billed for it, either.

"I tell you, I didn't know filth like that existed until I saw Playboy," she groaned.

"Yes, I did watch it for about an hour the first time; but only because I just couldn't believe my eyes. . . . I was horrified."

The woman said that when she called Warner "at least four times," she was massaged into thinking that the situation would be fixed.

"It must be a leak," the woman said she was told.

"Of course, it's never the Disney channel that leaks in.

"When I told the cable man (the installer) that I thought I was being raped (by the new system), he told me how I'd be able to someday in the future use it to go to the grocery store or do my banking and so on and so on," the loquacious woman recalled.

"I asked him, 'So why am I paying for it now?'"

"You know what I told him?"

"I said, 'When I buy a piece of meat, I want to see it.'"

Sounds like North Hill and Wadsworth just may be on the same channel.

Stay tuned.

Jewell Cardwell can be reached at 996-3567.

Akron Beacon Journal
3-9-94

Best way to get ear of cable firm is tune out

Wah, wah, wah. The tears are just pouring out of my eyes. I just feel so sorry for the people who have to pay the extra Warner Cable premium.

If nobody drops cable service, the Warner executives are going to laugh all the way to the bank, making fun of the apathetic, couch-ridden, remote-control-packing vegetables who are so addicted to their cable service that they'll pay anything.

On the other hand, if the current cable subscribers drop Warner Cable like they would a hot remote control, the cable company will come crawling to their doorsteps. They'll snivel for reinstatement with a different package offered.

Granted, network television has reduced itself (or has it always been this way?) to the level of a babbling 2-year-old, but in this cable rate-hike scenario, there are only three options: Pay the rate, drop cable service or shut up.

JOHN D. COCKRELL
Mopdore

Akron Beacon Journal
3-11-94

487 N. Revere Rd. ET 93-7
Akron, OH 44333-3907
3-8-94

DOCKET FILE COPY ORIGINAL

Ms. Sandy Wilson, Director
Cable TV Affairs, FCC
Washington, DC 20554

Subject: Warner Cable of Akron, Ohio, Service
Change.

Dear Ms. Wilson:

Reference my February, 1994, letter to you
on the above subject, the enclosed
^{local} recent articles will bring you up
to date. Briefly, the situation is
heating up and getting really
serious - and we natives are
getting restless waiting for the
FCC to act.

Warner Cable has shuffled and
scrambled all channels above
14 so cable-ready receivers
can no longer handle the
incoming analog broad-band
feed. (Warner Cable blames ^{new} FCC
regulations for requiring them to
do this) - I don't believe it, but
I heard Warner's regional
president say it (Steven Fry)
in a special meeting in

Fairlawn OH City Hall on 2-28-94 PM.
The box - Pioneer BA 9000 - is needed
to unscramble the feed - but it can
only handle one channel at a time.
about CH 14 - Therefore each ^{cable-ready} TV & VCR
must have a separate box to function.
Resulting cable costs (not rates) are
increased dramatically 16% min -
in some to over 50% with multiple
boxes.

Without cable shuffling and
scrambling no box would be
needed. Shuffling and scrambling
have nothing to do with fiber
optic cable distribution - Digital
to analog - yes for Warner's system -
but shuffling and scrambling in
addition - No.

I have asked Warner executives
for a written explanation from
their president, Steven Fry, why
this has been caused (as they assert)
by the FCC - They agreed, but no
reply as yet - I guess that is be-
cause I told them I would pass it
on to you.

In any case, I think I can speak for the majority of disgruntled subscribers in the greater Akron area. What we would like to see the FCC do is:

1. Require that Channels be unshuffled.
2. All channels presently delivered in the clear to be unscrambled.
3. All public information channels (CNN, Headline News, CNBC, C-5pm, C-5pmth) be placed in the standard satellite tier, or basic tier.
4. All premium channels (Movie, pay/view, etc.) ~~be placed~~ requiring an unscrambler box to be placed together at a level beyond regular feed to avoid interference.
5. Make box leasing optional rather than mandatory.

Can the FCC ~~do~~ do this? Warner says no - We subscribers say - We hope you can and will do so soon - We're counting on you -

Sincerely,

J. V. Watton

Follow up letter.

ET 93-7



**WARNER CABLE
COMMUNICATIONS**

William W. Farmer, Vice President of
Operations & Public Affairs

DOCKET FILE COPY ORIGINAL

1655 Brittain Rd., Akron, Ohio 44310
216/633-9203

March 5, 1994

Mr. Gerald Wootten
487 N. Revere Road
Fairlawn OH 44333

Dear Mr. Wootten:

Thank you for allowing us to address many of your concerns during the City of Fairlawn's Environmental Services Committee meeting on Monday, February 28. The issues that you discussed were very intriguing and thought-provoking.

I would like to continue our exchange of ideas without the time constraints of the committee meeting. We have conducted a number of focus groups with customers and no one has expressed the concerns that you have stated in your letters and in the committee meeting. I would like to address them further.

Please give me a call at 633-9203 so that I may arrange a convenient time to meet with you.

Thank you for your candid comments.

Sincerely,

Bill Farmer
VP Operations & Public Affairs

cc: Steve Fry, Warner Cable
Environmental Services Committee

I refuse to call - the matter is between Warner and several 100,000 subscribers - Not them & me - I have told Warner so previously -

ET 93-7
PR Package presented by Warner
Cable at 2-28-94 meeting with
Environmental Services Committee,
City of Fairlawn, OH



WARNER CABLE

A Time Warner Entertainment Company

William W. Farmer

Vice President of Operations & Public Affairs
Northeast Ohio Division



WARNER CABLE

1655 Brittain Rd.

Akron, Ohio 44310


(216) 633-9203


(216) 633-7970 - Fax


A Time Warner Entertainment Company

Cable in the Classroom

CABLE IN THE CLASSROOM is a public service initiative of the cable television industry. It is a joint project of local cable operators, like Warner Cable and national cable programmers, like CNN, Family Channel, etc., to provide schools with free cable service and more than 525 hours of commercial-free educational television programming each month.

 **FACT:** As of November 1993, 72 percent of students nationwide (more than 100 million) have access to Cable in the Classroom in 62,124 schools.
Total industry investment - more than \$4 million.

 **FACT:** There are no viewing requirements for using Cable in the Classroom.
Educators choose the programs to use.


 **FACT:** Warner Cable provides a free monthly subscription of *Cable in the Classroom Magazine* to every school with our service. This magazine offers detailed listings of educational programming, sorted by subject area, plus information on copyright clearance, support materials, videotapes available for purchase, and more. Subscriptions are also available for \$18 per year by calling 1-800-216-2225.



If you have any questions, please do not hesitate to contact our Community Relations Department:

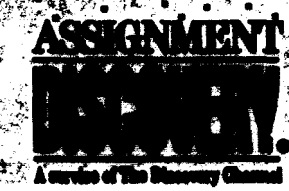
Akron	633-9203
Canton	494-7405
Youngstown	747-2555

X*PRESS

 **FACT:** As a Warner Cable customer, you now have access to our in-home computer information service called X*PRESS X*Change. X*PRESS delivers news, sports, business stocks/index quotes, and entertainment information right off the international wire services like the AP, TASS, etc. Best of all it's delivered through your cable television lines to your PC at home or school.

For more information call, 1-800-7PC-NEWS.

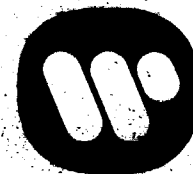
X*PRESS
Information Services, Ltd.



DID YOU KNOW

Cable television service began in the late 1940's as a means of improving the reception of network television signals to homes. Today this service has grown to serve over 60% of all television households in the U.S. with over 75 different programming providers.

At Warner Cable, we're proud to be a part of the telecommunications explosion that's occurring now. But sometimes, it's easy to get lost in the shuffle of this technology and its terms. To help you keep pace, please take this brochure with our compliments.



WARNER CABLE
Great Performances. Every Day.

Coaxial cable - a cable for sending television impulses: it consists of an insulated conductor tube surrounding a central core of conducting material.

Did You Know? That communications as a business was not prominent until the invention of the printing press. . . The deficiency? Not good for mass communications. The answer? Use of a wire to retransmit signals (either voice or code) over long distances. The deficiency? Too simple because only one person could talk to another. The answer? Coaxial cable with a broadband capability could now carry multiple signals to multiple viewers over distances. The deficiency? Only so many signals could be carried only so far. The answer? Fiber optic cable was invented to carry a greater number of signals greater distances.

Bandwidth - the portion of the radio spectrum needed to transmit pictures, sound, or both. Television stations use a bandwidth of six million cycles per second (6 Megahertz or 6 MHz.) Coaxial cable is considered "broadband" because it is capable of carrying in excess of 400 MHz (400,000,000 Hertz) bandwidth in contrast to a single wire or twisted pair which has an effective limit of 150 kHz (150,000 Hertz).

Compression - the act of reducing the amount of bandwidth needed to carry audio and for video signals.

Fiber optics - the use of very thin and pliable cylinders of glass or plastic to carry light waves in wide bands of frequencies.

Did You Know? That the engineering design of a cable system to include both fiber and coaxial cable is a common and efficient way to upgrade a system. . . Why? Because sometimes you need to carry the signal a long distance (fiber) and other times just a short distance (coaxial). What a perfect match for the future!

Headend - the electronic equipment located at the start of a cable system.

Addressability - the capability of controlling the operation of individual cable customers' converter boxes by sending commands from a central computer.

Two-way addressable - the cable system enables signals to pass in both directions between the central computer and customers' converter boxes.

Analog signal - one which is homogenous or similar throughout.

Digital signal - one which is characterized by individual bits or segments of data that are different bit by bit in succession.

Did You Know? That digital compression, storage and switching at designated relay points is fast becoming the optimal method of transporting audio and video signals for cable television. . . Why? Because this technology allows delivery and individual customer selection of more signals in an existing amount of bandwidth.

Multiplexing - practice of cable programmers such as HBO and Showtime of providing multiple channels of different programming simultaneously.

Did You Know? That most people feel overwhelmed about the idea of "500 channels". . . Why? Because they believe that's just too many different types of programming to try and watch. But guess what - that's not really the way some cable systems imagine running the business. Imagine a cable company with the broadband capacity to carry 500 channels but using them as 75-100 different channels of programming AND the rest for maybe only 20 different channels, BUT with more features or shows from those 20 programmers beginning every minute. That's right, an episode of Batman Returns with start times in one minute intervals - so that now the customer is closer to experiencing video on-demand. But remember, that's just one-way to do it.

AKRON BEACON JOURNAL - December 22, 1993

Two-way TV service arrives

- Interactive features and lots of new programming are coming from Warner Cable, thanks to fiber optics

BY JANET MOORE
Beacon Journal business writer

The much-touted information superhighway has rolled into the Akron area.

Beginning at the end of January, Warner Cable will be installing equipment to offer customers interactive services that essentially allow you to talk to your television. Company officials say the technology is the first of its kind in Northeast Ohio.

Warner announced the news Tuesday, simultaneously revealing news of expanded programming, including 12 new channels. Of course, cable bills could go up, too, depending on your service.

Warner Cable is able to offer \$60 million in improvements largely because of US West's \$2.5 billion investment in Time Warner Cable, a subsidiary of Time Warner Entertainment Co.

"The US West deal afforded

our local operation the opportunity to introduce the first wave of this new interactive technology directly into the home now," said Bill Farmer, vice president of operations and public affairs for the company's Northeast Ohio Division.

Last May's agreement was the first of its kind between a former Bell System telephone company and an owner of both cable TV and programming operations. It calls for Time Warner to upgrade its cable system to carry telephone services, dial-up shopping and movies, paperless bill-paying and other two-way services, as well as traditional one-way news, sports and entertainment.

That's happening in Akron now, albeit on a limited basis.

Warner Cable officials say the telecommunication possibilities

See CABLE, Page A16